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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JASON ERIC BENSON,
Plaintiff

vs.

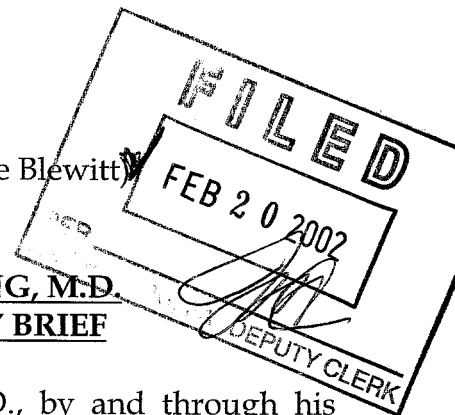
THOMAS DURAN, et al.,
Defendants

CIVIL ACTION NO. 1:CV-00-1229

(Judge Caldwell)

(Magistrate Judge Blewitt)

MOTION OF DEFENDANT, RONALD M. LONG, M.D.
FOR EXTENSION OF TIME TO FILE A REPLY BRIEF



AND NOW, comes Defendant, Ronald M. Long, M. D., by and through his attorneys, Lavery, Faherty, Young & Patterson, P.C., and files this Motion for Extension of Time in which to File a Reply Brief and in support thereof avers as follows:

1. On November 15, 2001, Defendant Long filed a Motion for Summary Judgment, Concise Statement of Undisputed Material Facts, and Appendix of Exhibits.
2. On November 30, 2001, Defendant Long filed a Brief in Support of this Motion for Summary Judgment in accordance with the requirements of Rule 7.5, Local Rules of the United States District Court for the Middle District of Pennsylvania.
3. On November 15, 2001, the Adams County Defendants filed a Motion for Summary Judgment, Concise Statement of Undisputed Material Facts, Appendix of Exhibits and Supporting Brief.
4. Co-defendant, Dr. Ellien also filed a Motion for Summary Judgment, and after obtaining an extension of time, filed an Appendix of Exhibits and Supporting Brief on or about January 15, 2002.

5. According to the dockets, on December 4, 2001, Inmate Benson filed a document entitled "Plaintiff's Response to the Adams County Defendant's [sic] as well as Defendant's [sic] Ronald Long's and William Ellien's Motions for Summary Judgment". Attached to that filing were documents submitted in opposition to the pending Motions for Summary Judgment.

6. The Certificate of Service on Plaintiff's responsive pleading indicated: "the Plaintiff must send the Defendant's [sic] attorney's [sic] copies when he can afford to, which will be the first week of December, 2001."

7. Despite the representations in the Certificate of Service, Plaintiff's responsive pleading was never served upon the undersigned.

8. Plaintiff failed to comply with the requirements of Local Rule 7.2 which provides: "the respondents shall serve copies of their respective papers to the opposing parties at the time such papers are filed with the Clerk."

9. It was not until February 14, 2002, that the undersigned discovered through a telephone conversation with Kevin C. McNamara, Esquire, co-counsel for the Adams County Defendants, that Plaintiff had filed a Response to the pending Motions for Summary Judgment.

10. Local Rule 7.7 governs the filing of pre-trial reply briefs or memorandum and provides in pertinent part: "an original and two (2) copies of a brief in reply to matters argued in respondent's brief may be filed by the moving party within ten (10) days after service of the respondent's brief".

11. Rule 1, Federal Rules of Civil Procedure, provides that the Rules governing procedure in the United States District Courts "shall be construed and administered to secure the just, speedy and inexpensive determination of every action."

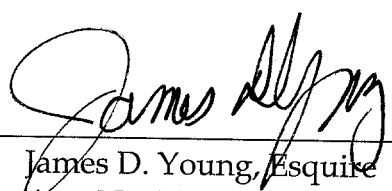
12. Since Plaintiff failed to comply with the requirements of Local Rule 7.2, Defendant Long respectfully requests that this Honorable Court grant an extension of time within which to file a Reply Brief in support of the pending Motion for Summary Judgment.

WHEREFORE, Defendant, Ronald Long, M.D., respectfully requests this Honorable Court grant his Motion for Extension of Time to File a Reply Brief and enter the accompanying Court Order.

Respectfully submitted,

Lavery, Faherty, Young & Patterson, P.C.

By: _____


James D. Young, Esquire
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301 Market St., Suite 800

P.O. Box 1245

Harrisburg, PA 17108-1245

Attys for Defendant Ronald Long, M.D.

DATE: 02/20/2002


CERTIFICATE OF SERVICE

I, Megan L. Renno, an employee with the law firm of Lavery, Faherty, Young & Patterson, P.C., do hereby certify that on this 20th day of February, 2002, I served a true and correct copy of the foregoing Motion of Defendant, Ronald M. Long, M.D., For Extension of Time to File a Reply Brief via U.S. First Class mail, postage prepaid, addressed as follows:

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